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OFFICE OF PETITIONS

In re Application of
Robert V. **HEY** et al
Application No. 10/688,772
Filed: October 18, 2003
Attorney Docket No. 1327.003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 2, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 3, 2007.

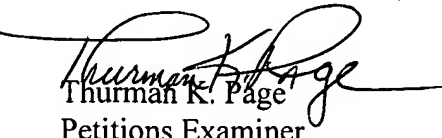
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of 1540.00, and (3) a proper statement of unintentional delay.

An extension of time fee under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly since the three-month extension of time submitted with the petition on October 11, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account No. 50-1170.

The file does not indicate a proper change of address has been submitted, although the address given on the petition differs from the address of record. The change of address filed November 1, 2007 cannot be accepted since it is not in compliance with 37 CFR 1.33(a) 2. Specifically, the change of address requested requires the signature of both inventors. If appropriate, a change of address should be filed in accordance with MPEP 601.03. Finally, a review of the file indicates that two different correspondence addresses have been filed, both dated November 1, 2007. A courtesy copy of this decision is being mailed to the address given in the petition; however, the Office will mail all future correspondence solely to the address of record, associated with Customer Number 23598.

This application is being referred to Technology Center Art Unit 3633.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-0602.



Thurman K. Page
Petitions Examiner
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cc: Andrew S. McConnell

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